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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,119	05/01/2006	Robert Chassagnon	5460-69/PUS	5029
27799 7590 09/02/2008 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER SCOTT, ANGELA C				
ART UNIT		PAPER NUMBER		
1796				
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09/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,119

Applicant(s)

CHASSAGNON ET AL.

Examiner

Angela C. Scott

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's response of July 15, 2008 has been fully considered. Claims 15-18 are cancelled and claim 1 has been amended. Claims 1-14 are pending in the application.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasseur et al. (WO 02/088238) in view of Sandstrom et al. (US 2003/0089438). For convenience, the citations below for Vasseur et al. are from an English language equivalent (US 2004/0127617).

Regarding claims 1-8 and 14, Vasseur et al. teaches a passenger vehicle tire (§168) comprising a tread, where the tread is comprised of a rubber composition (§146). The rubber composition comprises a diene elastomer (§34), silica (§95) in an amount of greater than 50 phr (Tables 1 and 3), a coupling agent (§118), and a plasticizer which comprises glycerol fatty acid triester(s) derived from fatty acid(s) (§67). The fatty acid of the glycerol fatty acid triester is oleic acid, a C18 unsaturated fatty acid, in a mass fraction equal to or greater than 70% (§67), preferably equal to or greater than 85% (§68).

Vasseur et al. does not teach that the diene elastomer comprises from 40 to 80 phr of butyl rubber, preferably a brominated butyl rubber, as well as another rubber such as polybutadiene, synthetic polyisoprenes, natural rubber, butadiene copolymers, isoprene copolymers, or their mixtures. However, Sandstrom et al. teaches a rubber composition for the tread of a tire where the diene elastomer is comprised of about 70 to about 100 phr of a halogenated butyl rubber, preferably brominated, and up to about 30 phr of at least a second rubber such as polymers of isoprene or butadiene (§12-17). Vasseur et al. and Sandstrom et al. are analogous art because they are from the same field of endeavor, namely that of rubber compositions for treads of tires. At the time of the invention, a person of ordinary skill in the art would have found it obvious to use the diene elastomer blend, as taught by Sandstrom et al., in the rubber composition, as taught by Vasseur et al., and would have been motivated to do so because Sandstrom et al. teaches that this specific rubber composition creates a shock absorbing effect (§1).

Regarding claims 9-10, Vasseur et al. additionally teaches that the glycerol fatty ester triester is glycerol trioleate (§69) and that a sunflower oil in which the fatty acids from which it derives comprise oleic acid in a mass fraction equal to or greater than 85% can be used (§71).

Regarding claims 11-13, Vasseur et al. additionally teaches that the plasticizing agent is used in an amount from 10 to 40 phr (§64).

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela C. Scott whose telephone number is (571) 270-3303. The examiner can normally be reached on Monday through Friday, 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./
Supervisory Patent Examiner, Art Unit 1796
29-Aug-08

/A. C. S./
Examiner, Art Unit 1796